



# LEGISLATIVE BRANCH      CITY OF BINGHAMTON

*Teri Rennia, City Council President*  
*Angela Holmes, City Clerk*

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**MINUTES**  
**City Council Business Meeting**  
**Council Chambers, 38 Hawley Street, Binghamton, N.Y.**  
**Wednesday June 5, 2013**

**CALL TO ORDER**

Called to order by Council President Rennia at 6:32pm.

**PLEDGE OF ALLEGIANCE**

Council President Rennia led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

**Absent:** None

**Also in attendance:** Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk; Allison Sosa, 2<sup>nd</sup> Assistant Corporation Counsel

**REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

Motion to approve the minutes from the City Council Business Meeting held on May 22, 2013.

Moved by Motsavage, seconded by Webb.

**Voice vote, none opposed.**

Motion to approve the minutes from the City Council Employees Committee meeting held on June 3, 2013.

Moved by Berg, seconded by Webb.

**Voice vote, none opposed.**

**RECOGNITIONS AND ACKNOWLEDGEMENTS**

City Clerk Holmes read the following proclamations into the record: (a) a proclamation in honor of Anthony Brown, upon his retirement; and (b) a proclamation in honor of Brian P. O'Loughlin, upon his retirement.

Council President read a proclamation in honor of the 2013 Binghamton High School Graduating Class into the record, and presented such presentation to Binghamton High School Principal Roxie Oberg. Principal Oberg thanked the City of Binghamton.

Councilman Motsavage read a proclamation in honor of the 2013 Seton Catholic High School Graduating Class into the record.

Council President Rennia read a proclamation recognizing June as Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month into the record.



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### **PUBLIC HEARING**

#### **Introductory Ordinance 13-44. Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing the abandonment of 126 Eldredge Street (a portion of Liberty Street) as a public street

*Note: Notice of public hearing was published in the Press & Sun bulletin on May 31, 2013.*

In Favor: None

Opposed: None

### **SET PUBLIC HEARING**

The City of Binghamton will hold two public hearings at the City Council Business Meeting held on Wednesday June 19, 2013 at 6:30pm, for the following items: (a) "An Ordinance Authorizing a noise variance for DoubleTree by Hilton Binghamton"; and (b) "An Ordinance authorizing various amendments to sections 178, 265, and 410 of the Binghamton City Code, regarding Community Food Systems and Livestock". This meeting will be held in the City Council Chambers located at 38 Hawley Street, Binghamton, New York. For more information, please contact the City Clerk by phone at (607) 772-7005, or by email at [clerk@cityofbinghamton.com](mailto:clerk@cityofbinghamton.com).

### **PUBLIC COMMENT/COMMUNICATIONS**

Jack Sheehan, Sharon Nieminski, Cheryl Kindt<sup>1</sup>, Nicolas Meyering<sup>2</sup>, Mary Lou Regulski<sup>3</sup>, Gene Beautz<sup>4</sup>, Lori Nolan<sup>5</sup>, Carl Petro<sup>6</sup>, Chuck Herrle<sup>7</sup>

<sup>1</sup>*Note: Cheryl Kindt submitted the following letter to Councilwoman Webb and the City Clerk's Office on May 21, 2013. The original letter is attached to these minutes.*

Honorable Ms. Webb,

I am writing to you regarding the proposed Community Food Systems legislation and respectfully request that these remarks be read into the public record.

I have been pleased to note the emergence in recent years of community gardens, an urban farm, more vibrant farmer's markets, and an increase in backyard vegetable gardens. I can even shop at a "locavore" store on the South Side. This is a happy, healthy development, but raises issues not currently addressed by the city's zoning regulations. It seems to me sensible that these regulations be amended in response to a new and growing reality. I have read the draft of this proposed legislation. I am impressed by its vision, its clarity and its fairness. I encourage your vigorous support. A public hearing would be a most appropriate way to begin the honing and reviewing process—by inviting public comment. This is the way things should work in a democracy.

I look forward to an economically revitalized, "greener" Binghamton. In the forty-seven years that I have been a Broome County resident, our community has survived many challenges and endured, it seems sometimes, more "downs" than "ups". I am proud to live here and believe that we are on the threshold of a renaissance, or perhaps right in the middle of it. The proposed legislation provides a bridge between our tradition of innovation and self-reliance and the bright potential of our future.

Sincerely,  
Cheryl Kindt



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<sup>2</sup>Note: Nicolas Meyering submitted the following email to the City Clerk's Office on June 3, 2013. The original email is attached to these minutes.

Dear Mrs. Holmes,

On May 22<sup>nd</sup>, my friends and I spoke in favor of the Community Food System Proposal, and I understand that tonight is the work session to address the issue. I want to reiterate what I said in my recent letter to the editor: urban gardens are a great idea. There is no downside. Cutting down on pollution, attracting younger residents, and making Binghamton more sustainable in more ways than one are all excellent and assured outcomes of this proposal.

It's true that if you're poor in Broome County, you can probably get at least one hot meal a day at a soup kitchen, but that assumes that you're able to get there, which many aren't. And urban gardens provide more filling, more viable, and more nutritious food than most soup kitchens. Urban gardens fight food deserts; soup kitchens don't.

Please read this letter to Council both at tonight's meeting and at any public hearing; I will likely not make it, given my heart condition and my desire for privacy. Thank you for your time.

Nicolas Meyering  
President-Elect, MPA GSO

<sup>3</sup>Note: Mary Lou Regulski submitted the following letter to Councilman Berg on June 5, 2013. The original letter is attached to these minutes.

As a former member and past president of the Binghamton City Council, I was rather amused at the recently orchestrated turnout to urge City Council to hold a public hearing on the proposed legislation dealing with urban farming. The speakers were polite and courteous and delivered their opinions eloquently. But when one of the speakers indicated that Binghamton does not need new industry and that the solution to unemployment was the community garden issues, that comment incurred my wrath.

After some phone calls and research, there is much more to this Legislation than community gardens...i.e. bee keeping, farm animals, composting, Binghamton Code department involvement and enforcement, etc., areas and items that should not be in an R-1 or R-2 neighborhood. Even when I was on City Council, Code had great difficulty keeping up with the number of violations and to add more to their plate would just create more unrest and frustration to residents trying to keep the integrity and values in their properties.

We presently have 7 community gardens (VINES) in the city, with soon to be year round community garden sponsored by Broome County and a seasonal farmers market with multiple vendors situated in downtown Binghamton. More seems like overkill to me...

City Council should be focusing on bringing quality jobs to Binghamton, not worrying about a problem that already has multiple solutions in place..

Preserve our neighborhoods, they are dwindling too fast...

Sincerely,



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Mary Lou Regulski  
Former member  
Binghamton City Council

<sup>4</sup>*Note: Gene Beautz submitted the following letter to David A. Robinson of Zona & Co. Grille on May 21, 2013. Mr. Robinson forwarded the communication to the City Clerk's Office on May 28, 2013. The original letter is attached to these minutes.*

Dear Mr. Robinson,

We received your notice of intent to have live music on your outdoor patio.

We believe live music on your outdoor patio will add to the vitality and enjoyment of the area, neighborhood, and the City of Binghamton. This activity should be encouraged in the city and we fully support your efforts to make an unused corner come alive with people enjoying drinks, music and fine food in a beautiful location. Thank you for all your efforts to improve the city.

Thanks,  
Gene Beautz

<sup>5</sup>*Note: Lori Nolan submitted the following email to the City Clerk's Office on May 30, 2013. The original email is attached to these minutes.*

To whom it may concern:

I think the idea of having live outdoor music in downtown Binghamton is essential to the continued revitalization of downtown! I have seen such nice progress over the last few years taken place in downtown Binghamton. It would be a shame to stunt that growth by limiting outdoor entertainment!

Thank you for your time and consideration!

Sincerely,

Lori Nolan

<sup>6</sup>*Note: Carl Petro submitted the following letter to the City Clerk's Office on May 30, 2013. The original letter is attached to these minutes.*

I am writing this note hoping that you will grant the necessary permit for Zona & Co. to have live music on their deck this summer. My group is scheduled to perform at Zona on numerous Fridays this summer. There are three other outdoor live venues in the downtown area but Zona is the only one that suits our group well. Zona's patrons and quaint deck setting were perfect for us this past May and the music was also well received by Zona's immediate neighbors.

I'm hopeful that we will be able to continue through the summer.



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Thank you for your consideration,

Carl Petro  
Brotherhood

<sup>7</sup>*Note: Chuck Herrle submitted the following email to the City Clerk's Office on May 30, 2013. The original email is attached to these minutes.*

I am sending this email in support of live music at Zona & Co. Grille. I think it will help improve the image of the City of Binghamton and maybe get people downtown that might otherwise go to JC or Vestal and I hope that you and your peers will see it the same way. Thank you for your consideration.

Charles Herrle

### **SECOND READING LEGISLATION**

#### **Introductory Resolution 13-48, Considered in Municipal & Public Affairs, Chair: Motsavage**

A Resolution authorizing a noise variance for Zona & Co. Grille

*Note: A public hearing for this item, along with a first introduction, occurred at the Business Meeting held on May 22, 2013.*

1. Motion to approve legislation.  
Moved by Motsavage, seconded by Webb.
2. As a point of order, Councilman Matzo asked 2<sup>nd</sup> Assistant Corporation Counsel Sosa what would occur if the terms of the noise variance were violated. Sosa responded that the noise variance could be revoked.
3. Motion to approve legislation.  
Moved by Motsavage, seconded by Webb.  
**Motion carried. Legislation adopted as Permanent Resolution 13-48. (Vote 7-0)**  
Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

### **FIRST READING LEGISLATION**

#### **Introductory Ordinance 13-42, Considered in Finance, Chair: Webb**

An Ordinance modifying the 2013 Budget of the Binghamton-Johnson City Joint Sewage Treatment Facility

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Ordinance 13-40. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

#### **Introductory Ordinance 13-43, Considered in Planning & Community Development, Chair: Webb**

An Ordinance authorizing a billboard at 111 Montgomery Street (former Pa's Woodshed location) pursuant to the code of the City of Binghamton Section 410-62



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1. Motion to approve legislation.  
Moved by Motsavage, seconded by Webb.
2. As a point of order, Councilwoman Webb noted for the record that the title of the legislation distributed at the Business Meeting cited the location of the billboard as 115 Montgomery Street. The title of the legislation has been amended to show the correct address.
3. Motion to approve legislation.  
Moved by Motsavage, seconded by Webb.  
**Motion carried. (Vote 6-1)**  
Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg  
Nays: Rennia  
*Note: This legislation was adopted by the Council of the City of Binghamton at a Business Meeting held on June 5, 2013, and was presented to Mayor Matthew T. Ryan on June 6, 2013. The Mayor vetoed the legislation, and submitted his veto message to the City Clerk's Office on June 18, 2013. Due to the veto, no Permanent Number was assigned.*

### **Introductory Resolution 13-49, Considered in Finance, Chair: Webb**

A Resolution approving acceptance by the Joint Sewage Board of a New York State Occupational Safety and Health Hazard Abatement Board Grant for the 2013-2014 program year in an amount not to exceed \$17,863

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

#### **Motion carried. Legislation adopted as Permanent Resolution 13-49. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

### **Introductory Resolution 13-50, Considered in Finance, Chair: Webb**

A Resolution authorizing the Mayor to enter into Supplemental Agreement No. 1 with Griffiths Engineering, LLC for additional design work on Rock Bottom Bridge Flood Wall

1. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.
2. As a point of order, Councilman Matzo asked for clarification as to whether or not the work at Rock Bottom Bridge Flood Wall was already completed and if this agreement was to provide payment for previously finished work, or if this agreement was for work not yet completed. City Clerk Holmes was asked to contact Philip T. Krey, City Engineer, for clarification.
3. Motion to table this item until the end of the meeting.  
Moved by Matzo, seconded by Papastrat.  
**Voice vote, none opposed. Item tabled.**

### **Introductory Resolution 13-51, Considered in Finance, Chair: Webb**

A Resolution authorizing the Mayor to enter into a professional service agreement with Hulbert Engineers for property survey of 10 Flood-Damaged Buildings

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

#### **Motion carried. Legislation adopted as Permanent Resolution 13-50. (Vote 7-0)**



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Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

## **Introductory Resolution 13-52, Considered in Finance, Chair: Webb**

A Resolution amending permanent Resolution 12-81, regarding funds from the Community Capital Assistance Program for the Design Your Own Park Initiative

1. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.
2. As a point of order, Councilwoman Webb asked of the portable stage to be purchased with these grant funds was \$45,000 or \$55,000 total.
3. Motion to hold legislation until the Business Meeting on June 19, 2013.  
Moved by Webb, seconded by Berg.

**Voice vote, none opposed. Item held.**

## **Introductory Resolution 13-53, Considered in Finance, Chair: Webb**

A Resolution approving the application and acceptance of the Explosive Detection Canine Team Grant Program from the NYS Division of Homeland Security in the amount of \$50,000

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 13-51. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

## **Introductory Resolution 13-54, Considered in Finance, Chair: Webb**

A Resolution authorizing the application and acceptance of a 2013 Edward Byrne Memorial Justice Assistance Grant

Motion to approve legislation. Moved by Webb, seconded by Motsavage

**Motion carried. Legislation adopted as Permanent Resolution 13-52. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg  
Nays: None

## **Introductory Resolution 13-55, Considered in Planning & Community Development, Chair: Webb**

A Resolution authorizing the Mayor to enter into a revised intermunicipal agreement related to the Susquehanna Heritage Area Commission

1. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.
2. As a point of order, Councilwoman Webb noted that the second page of Introductory Resolution 13-55 distributed at the Business Meeting was a duplicate copy of the second page of Introductory Resolution 13-49. Deputy Clerk Pelletier left the meeting to print the correct second page.



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3. Motion to table legislation until the end of the meeting.  
Moved by Webb, seconded by Motsavage.  
**Voice vote, none opposed. Item tabled.**

## **Introductory Resolution 13-56, Considered in Municipal & Public Affairs, Chair: Motsavage**

A Resolution authorizing free parking July 12-14, 2013 for July Fest

Motion to approve legislation. Moved by Motsavage, seconded by Berg.

**Motion carried. Legislation adopted as Permanent Resolution 13-53. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

## **Introductory Resolution 13-57, Considered in Employees: Chair: Berg**

A Resolution authorizing an amendment to the Police Benevolent Association agreement for 2012-2014

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 13-54. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

**Call from the Table.** Motion to call Introductory Resolution 13-50, "A Resolution authorizing the Mayor to enter into Supplemental Agreement No. 1 with Griffiths Engineering, LLC for additional design work on Rock Bottom Bridge Flood Wall", from the table.

Moved by Webb, seconded by Matzo.

**Voice vote, none opposed.**

## **Introductory Resolution 13-50, Considered in Finance, Chair: Webb**

A Resolution authorizing the Mayor to enter into Supplemental Agreement No. 1 with Griffiths Engineering, LLC for additional design work on Rock Bottom Bridge Flood Wall

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 13-55. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

**Call from the Table.** Motion to call Introductory Resolution 13-55, "A Resolution authorizing the Mayor to enter into a revised intermunicipal agreement related to the Susquehanna Heritage Area Commission", from the table.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

## **Introductory Resolution 13-55, Considered in Planning & Community Development, Chair: Webb**

A Resolution authorizing the Mayor to enter into a revised intermunicipal agreement related to the Susquehanna Heritage Area Commission

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 13-56. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None





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## **COMMUNICATIONS FROM COUNCIL MEMBERS**

Matzo, Berg, Motsavage, Mihalko, Webb, Papastrat, Rennia

## **ADJOURNMENT**

Motion to adjourn at 8:08pm.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

**BROTHERHOOD**  
**Carl Petro**  
**29 ALLENDALE ROAD**  
**BINGHAMTON, NEW YORK, 13903**  
**(607) 759-1026**

**DATE:** 5/30/2013

**TO:** Binghamton City Council;  
Jerry Motsavage, Joseph Mihalko, Teri Renia, Lea Webb, Chris Papastrat,  
John Matzo, Bill Berg

**FROM:** Carl Petro – Brotherhood Band Leader

**RE: Permit for Live Music at Zona & Co. – Downtown Binghamton**

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I am writing this note hoping that you will grant the necessary permit for Zona & Co. to have live music on their deck this summer. My group is scheduled to perform at Zona on numerous Fridays this summer. There are three other outdoor live venues in the downtown area but Zona is the only one that suits our group well. Zona's patrons and quaint deck setting were perfect for us this past May and the music was also well received by Zona's immediate neighbors.

I'm hopeful that we will be able to continue through the summer.

**Thank you for your consideration,**

Carl Petro  
Brotherhood

## Holmes, Angela

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**From:** chuck herrle [emt492000@yahoo.com]  
**Posted At:** Thursday, May 30, 2013 2:26 PM  
**Conversation:** Live music at zona &co  
**Posted To:** Clerk  
  
**Subject:** Live music at zona &co

I am sending this email in support of live music at zona & co grille...I think it will help improve the image of the city of binghamton and maybe get people downtown that might otherwise go to jc or vestal .and I hope that you and your peers will see it the same way... thank you for your consideration charles herrle  
Sent from Yahoo! Mail on Android

61 Prospect Avenue #4  
Binghamton, NY 13901  
May 21, 2013

City Council Member Lea Webb  
Attn: Angela Holmes  
38 Hawley Street  
Binghamton, NY 13901

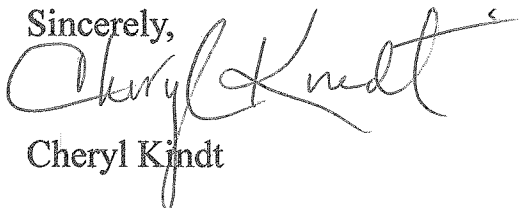
Honorable Ms. Webb,

I am writing to you regarding the proposed Community Food Systems legislation and respectfully request that these remarks be read into the public record.

I have been pleased to note the emergence in recent years of community gardens, an urban farm, more vibrant farmer's markets, and an increase in backyard vegetable gardens. I can even shop at a "locavore" store on the South Side. This a happy, healthy development, but raises issues not currently addressed by the city's zoning regulations. It seems to me sensible that these regulations be amended in response to a new and growing reality. I have read the draft of this proposed legislation. I am impressed by its vision, its clarity and its fairness. I encourage your vigorous support. A public hearing would be a most appropriate way to begin the honing and reviewing process - by inviting public comment. This is the way things should work in a democracy.

I look forward to an economically re-vitalized, "greener" Binghamton. In the forty-seven years that I have been a Broome County resident, our community has survived many challenges and endured, it seems sometimes, more "downs" than "ups". I am proud to live here and believe that we are on the threshold of a renaissance, or perhaps right in the middle of it. The proposed legislation provides a bridge between our tradition of innovation and self-reliance and the bright potential of our future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cheryl Kindt". The signature is fluid and cursive, with a large, sweeping "C" and "K".

Cheryl Kindt

**ES Beautz Architects, 132 Washington Street, Binghamton NY 13901**

052113

David A Robinson  
Asst. Manager at Zona & Co. Grille  
Hawley Street  
Binghamton

RECEIVED

**MAY 28 2013**

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

Dear Mr. Robinson:

We received your notice of intent to have live music on your outdoor patio.

We believe live music on your outdoor patio will add to the vitality and enjoyment of the area, neighborhood, and the City Of Binghamton. This activity should be encouraged in the city and we fully support your efforts to make an unused corner come alive with people enjoying drinks, music, and fine food in a beautiful location. Thank you for all your efforts to improve the city.

Thanks, Gene Beautz

A handwritten signature in dark ink, appearing to read 'Gene Beautz', with a long horizontal line extending to the right.

## Holmes, Angela

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**From:** Lori Nolan [lor2476@msn.com]  
**Posted At:** Thursday, May 30, 2013 7:07 PM  
**Conversation:** Live music  
**Posted To:** Clerk  
  
**Subject:** Live music

To whom it may concern:

I think the idea of having live outdoor music in downtown Binghamton is essential to the continued revitalization of downtown! I have seen such nice progress over the last few years taken place in downtown Binghamton. It would be a shame to stunt that growth by limiting outdoor entertainment!

Thank you for your time and consideration!

Sincerely,

Lori Nolan

Sent from my iPhone

## Holmes, Angela

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**From:** Nicolas Meyering [nmeyeri1@binghamton.edu]  
**Posted At:** Monday, June 03, 2013 5:24 PM  
**Conversation:** Form submission from: Contact Form  
**Posted To:** Inbox  
  
**Subject:** Form submission from: Contact Form

Submitted on June 3, 2013 - 5:23pm Details:

Your name Nicolas Meyering

Your e-mail address [nmeyeri1@binghamton.edu](mailto:nmeyeri1@binghamton.edu)

To Angela Holmes

Subject Nico Meyering and the Community Food System

Message

Dear Mrs. Holmes,

On May 22nd, my friends and I spoke in favor of the Community Food System Proposal, and i understand that tonight is the work session to address the issue. I want to reiterate what I said in my recent letter to the editor: urban gardens are a great idea. There is no downside. Cutting down on pollution, attracting younger residents, and making Binghamton more sustainable in more ways than one are all excellent and assured outcomes of this Proposal.

It's true that if you're poor in Broome County, you can probably get at least one hot meal a day at a soup kitchen, but that assumes that you're able to get there, which many aren't. And urban gardens provide more filling, more viable, and more nutritious food than most soup kitchens. Urban gardens fight food deserts; soup kitchens don't.

Please read this letter to council both at tonight's meeting and at any public hearing; I will likely not make it, given my heart condition and my desire for privacy. Thank you for your time.

Nicolas Meyering

President-elect, MPA GSO

The results of this submission may be viewed at: <http://www.binghamton-ny.gov/node/1427/submission/313>